

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

**ZOYA LUBAROV,**  
Plaintiff,

vs.

**DIVERSIFIED COLLECTION  
SERVICES, INC.; and DOES 1 through  
10, inclusive,**  
Defendant.

Civil Action No.:

**COMPLAINT AND DEMAND FOR JURY TRIAL**

***I. INTRODUCTION***

1. This is an action for actual and statutory damages brought by Plaintiff, Zoya Lubarov (“Plaintiff”), an individual consumer, against Defendant, Diversified Collection Services, Inc. (“Defendant”), for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”) which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

***II. JURISDICTION***

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331 and § 1337. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

***III. PARTIES***

3. Plaintiff is a consumer, a natural person allegedly obligated to pay any debt, residing in the state of Wisconsin.

4. Defendant is a corporation engaged in the business of collecting debt in this state with its principal place of business located in Alameda County at 333 North Canyons Parkway, Suite 100, Livermore, California 94551. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.
5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

#### ***IV. FACTUAL ALLEGATIONS***

6. Upon information and belief, within one year prior to the filing of this complaint, Defendant placed collection calls to Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.
7. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.
8. Upon information and belief, Defendant began contacting Plaintiff and placing collection calls to Plaintiff prior to June 27, 2012.
9. Upon information and belief, Defendant, within one year prior to the filing of this complaint, threatened to garnish Plaintiff herself when it cannot do so.
10. As a result of the acts alleged above, Plaintiff suffered emotional distress resulting in Plaintiff feeling stressed, amongst other negative emotions.

**V. CLAIM FOR RELIEF**

11. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

12. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) Defendant violated §1692e(5) of the FDCPA by threatening to take action that it did not intend to take; and

(b) Defendant violated §1692e(10) of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of Plaintiff's alleged debt; and

(c) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt.

13. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Zoya Lubarov for actual damages, statutory damages, and costs and attorney fees.

**WHEREFORE**, Plaintiff Zoya Lubarov respectfully requests that judgment be entered against defendant Diversified Collection Services, Inc. for the following:

A. Actual damages.

B. Statutory damages pursuant to 15 U.S.C. § 1692k.

D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.

E. For such other and further relief as the Court may deem just and proper.

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DATED: February 28, 2013

RESPECTFULLY SUBMITTED,

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**VI. DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that plaintiff Zoya Lubarov demands trial by jury in this action.